

1 ELLIOT BLOCK SBN 116999
Chief Counsel
2 WENDY BRECKON SBN182952
Senior Staff Counsel
Attorneys for Complainant
3 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1001 I Street, 23rd Floor
4 P. O. Box 4025
5 Sacramento, CA 95812-4025
6 Telephone: (916) 341-6068
7 Facsimile: (916) 341-6082

8
9 STATE OF CALIFORNIA
10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11 In the matter of:

12 MANUEL PACHECO dba PACHECO
13 TIRE
14 Unregistered Hauler
15 TPID NO: 1005826
16
17 RESPONDENT.

SUPPLEMENTAL ADMINISTRATIVE
DECISION FOR WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES

AGENCY No: 2008-011087-ADC

18
19 The California Integrated Waste Management Board ("CIWMB") served an
20 Administrative Complaint and Request for Hearing form on MANUEL PACHECO dba
21 PACHECO TIRE, ("RESPONDENT"), on September 29, 2008. RESPONDENT failed to
22 request a hearing within 15 days as required by the Administrative Procedure Act at
23 Government Code section 11500 et seq. Therefore, on October 27, 2008, the matter was
24 considered a default pursuant to 14 CCR 18466 and Government Code section 11520, and
25 RESPONDENT was ordered to pay three thousand four hundred and fifty dollars (\$3,450.00)
26 in administrative penalties to CIWMB.

27 On November 12, 2008, RESPONDENT submitted a request for reconsideration for a
28 hearing indicating he wanted the opportunity to plead his case. The Board met in closed

1 session on January 21, 2009, and determined that it was rejecting RESPONDENT'S request
2 for a hearing. However, the following order is made:

3 **ORDER**

4 If RESPONDENT complies with the following payment schedule and conditions, it will
5 pay only two thousand and three hundred dollars (\$2,300.00) and CIWMB will waive one
6 thousand one hundred and fifty dollars (\$1,150.00) of the amount owed to the CIWMB:

- 7 a. Make monthly payments of ninety-five dollars and eighty cents (\$95.80) payable to
8 CIWMB, Attn: Esther Gallegos, at P. O. Box 4025, Sacramento, CA 95812, or to
9 such other person and/or place as the CIWMB or its agent may from time to time
10 designate in writing.
- 11 b. The \$98.50 payment will be due on the 15th of each month beginning on February
12 15th, 2009. RESPONDENT also has the option of paying all or part of the \$2,300
13 owed to CIWMB prior to the due dates indicated on this schedule.
- 14 c. For the three year time period subsequent to the issuance of the ADMINISTRATIVE
15 DECISION concerning this matter, should RESPONDENT continue to operate as a
16 waste tire hauler, RESPONDENT shall comply with all of the California Waste and
17 Used Tire Manifest requirements, as provided in PRC section 42961.5 and maintain
18 a manifest error rate of less than two percent (2%).

19
20 If RESPONDENT is late in making the above payments, or otherwise violates any of the
21 above conditions as documented by a Letter of Violation or Notice of Violation, the entire
22 amount of three thousand four hundred and fifty dollars (\$3,450.00) in administrative penalties
23 less any payments previously made will become immediately due and payable.

24 ///

25 ///

26 ///

27 ///

28 ///

1 This DECISION shall become effective _____

2 Dated this 21st day of January 2009.

3
4
5 

6 MARGO REID BROWN

7 Chair

8 CALIFORNIA INTEGRATED WASTE
9 MANAGEMENT BOARD
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28